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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of ASAOKO et al.
Application No. 010/004,115
Filed: December 6, 2001
For: PROCESS FOR PRODUCING
OPTICALLY ACTIVE 4-HALO-3-
HYDROXYBUTANOATE

Confirmation No. 3895

T/C Art Unit: 1652
Examiner: Elizabeth Slobodyanksy

Attorney Docket No. 7372/72249

January 30, 2004

SUBMISSION OF REPLACEMENT OATH/DECLARATION

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Please find enclosed a replacement oath and declaration in order to correct the spelling of one of the original named inventors. It appears that a transliteration or typographical oversight resulted in the fourth named inventor Itoh's name being spelled out Ito. The oversight is now corrected with this submission. The individual is, of course, the same.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By:


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**DECLARATION
FOR UTILITY OR DESIGN
PATENT APPLICATION**

- | | |
|---|--|
| <input type="checkbox"/> Declaration Submitted With Initial Filing |) Attorney Docket No.: |
| <input type="checkbox"/> Declaration Submitted After Initial Filing |) First Named Inventor:

) Application Number:

) Filing Date:

) Group Art Unit:

) Examiner Name:
_____ |

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter, which is claimed and for which a patent is sought on the invention entitled:

**PROCESS FOR PRODUCING OPTICALLY ACTIVE
4-HALO-3-HYDROXYBUTANOATE**

(Title of Invention)

the specification of which:

- is attached hereto, or
- was filed by an authorized person on my behalf on Dec. 6, 2001 as United States Application Number 10/004,115 or PCT International Application Number _____, and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and I have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application, on this invention filed by me or my legal representatives or assigns and having a filing date before that of the application on which priority is claimed:

Attorney Docket No.

<u>Prior Foreign Application Number(s)</u>	<u>Country</u>	<u>Foreign Filing Date</u>	<u>Priority Claimed</u>	<u>Certified Copy Attached</u>	
				<u>Yes</u>	<u>No</u>
2000-372704	JAPAN	Dec. 7, 2000	☒	<input type="checkbox"/>	<input type="checkbox"/>
2001-006144	JAPAN	Jan. 15, 2001	☒	<input type="checkbox"/>	<input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Provisional Application
Number(s)

Provisional Application
Filing Date

Additional provisional application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under Title 35, United States Code, § 120, of any prior United States application(s), or under § 365(c) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56, which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

<u>Prior U.S. Application Number</u>	<u>Prior PCT International Application Number</u>	<u>Filing Date of U.S. or PCT International Application</u>	<u>Patent Number (if applicable)</u>

Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.

As a named inventor, I hereby appoint Kendrew H. Colton (Reg. No. 30,368) and the practitioners associated with CUSTOMER NUMBER 22242, with full power of substitution and revocation, to prosecute this application and to transact business in the United States Patent and Trademark Office connected therewith, and request that all correspondence in respect to this application be directed to:

Attorney Docket No.

FITCH, EVEN, TABIN & FLANNERY
1801 K St. NW, Suite 401L
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and telephone calls be directed to Telephone No. (202) 419-7000, Facsimile No. (202) 419-7007.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity or enforceability of the application or any patent issued thereon.

Full name of sole or one joint inventor:

Hiroyuki ASAOKO

(Given names first, with Family name last)

Inventor's signature:

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Nov. 26, 2003

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Full name of one joint inventor:

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Inventor's signature:

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